

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

Gbeke M. Awala
Plaintiff/Appellant

Civ. No. 07-173

VS.

Appeal No. _____

Peter T. Dalleo,
Defendant/Appellee

NOTICE OF APPEAL

NOTICE, is hereby given that, I, Gbeke M. Awala, appeals the Convulsive order of Magistrate Judge Mary Pat Thyng, dated April 9, 2007 denying leave to proceed in forma pauperis and Appealing all and any subsequent orders in the Captioned matter pursuant to 28 U.S.C. §1915(g); whereas the Magistrate Judge cannot nullify and/or fail to ratify the Constitutional requirement of Consent of parties before adjudicating the matter!

Furthermore, In accordance with the substance of the 42 USC §1983 claim against Clerk, Peter T. Dalleo... whereby said clerk... did then there commit and was guilty of a high, removal, mutilation, and forthwith resume the function of his office and ministerial duties... to violate the protection I,

Gbeke M. Awala, was entitled, to protection from attachment of false and misleading transcript from the official electronic sound recording of the Criminal trial, held in the Courtroom of Mr. Kent A. Jordan, District/Circuit Judge.

Whereas Said Defendant acted personally and through his Subordinates and endeavoured to distort my Appellate process, from the blind Judgment of the aforementioned Judge in May 11, 2007. Wherein Said Conducts by him clerk, were Initiated or Conducted in a discriminatory manner in violation 42 U.S.C. § 1981 - Statute as extending to discrimination on basis of alienage. Furthermore, jointly without lawful cause or excuse to conceal papers or garnishment, and in violation of his Constitutional duties to take care that the Office of the Clerk be faithfully executed, Nonetheless, Mr. Peter T. Dalles, has willfully Corrupted and manipulated the Judicial process of the United States, for his personal will and exonerated of Government and her Agents, Impeding the administration of Justice, at all relevant times see U.S. v. Awala, (04-901-KAJ)(2005).

Whereas, Plaintiff Gbeke M. Awala in a Federal Civil rights action brought against this defendant knew the affidavits in the aforementioned Criminal proceeding to be Agent's perjurious, false and misleading statements by Axel Gomez, named Defendant.

Plaintiff Further alleges, Peter T. Dalles Corruptly encouraged said Agent above a witness in the Criminal trial brought against me, and Corruptly allowed my attorney

Samuel C. Stetson, wherein is participation at trial of the matter as amicus Curiae satisfying the statement by Mr. Kent A Jordan Judge, befit of Honorability, however, "Stetson would have acted as a amicus Curiae and thus not entitled to Attorney's Fees. See McCoy v. Briegleb (mo. App) 305 sw2d 29. Since Judge Jordan, stated at Trial on January 17, 18 2006, he was acting as an officer of the Court.

Defendant/Appellee Peter T. Dalleo, in that proceeding knew the evidence that had supported the Government's case were perjurious, false and misleading statements by subpoenaed filed by Beth Moskow-Schnoll, AUSA-Debrae, Gbeke M. Awala, and said clerk brought against me, succeeded in January 17, 18, 2006, and supported a scheme to conceal evidence that I, Gbeke M. Awala in old days years and time filed in his office, he clerk, in order to completely prevent the truthful testimony of the fact that I was born in the United States in Miami Florida, Dade-County and Carol City, May 17, 1971 and in order to prevent question deemed relevant by Plaintiff, said clerk subsequently acknowledged by his communication to Judge Jordan and completely influence the testimony of those Government Agents from Grand Jury; that the indictment was facially defective.

Therefore, Magistrate Judge Mary Pat Thyng, you have brought disrepute on the Magistrate Functions, you completely allowed related false and misleading account of events relevant to a federal grand jury proceeding in order to completely influence the testimony of those

witnesses, including Axel [redacted] (ICE), and have acted in a manner subversive of the Law and Justice, to the manifest injury sustained by me, Gabe M. Awala and of the people of the United States who through the President elected you a U.S. Magistrate or any official body who elected you Mary Pat Thyng into this office.

In doing so, you Both, including Judge Jordan, failed to take care that the Laws be faithfully executed, to the best of your ability, preserve, protect and defend the Constitution of the United States, and are in violation of your Constitutional duties, you have arbitrarily prevented the State of Florida. See *Wilson v. Garcia*, 471 U.S. 261, 105 S.Ct. 1938, 85 L.Ed. 2d 254 (1985); 42 U.S.C.A. § 1988, provides that IF Federal Law does not provide a rule of decision in a Civil right case, Federal Law will incorporate the appropriate state law. See also *Owens v. Okure*, 488 U.S. 235, 109 S.Ct. 573, 102 L.Ed. 2d 594, 50 Ed. Law Rep. 934 (1989), 'Where the borrowing of the state provisions is consistent with Federal Law.

Therefore, the clerk in his conduct, has betrayed his trust, and has acted in a manner subversive of the rule of Law and Justice, and must be removed from office and the Magistrate Judge disqualified from this matter.

WHEREBE, Peter T. Dales, by such conduct, warrants
 Impeachment and trial and permanent injunction to hold any
 office of honor, trust or profit under the United States.

Now as in passing from a Low Criminal
 facility under BOP Contracts facilities, to a
 Federal Penitentiary, one sees Brick of walls
 around him, thicker than the Sunner, and
 the only gleaming is the 'Blue Sky, although,
 Such Confinement is unnecessary—in Connection
 at malicious Prosecution and Abuse of process,
 error was based on fraudulent or Dishonest Act
 of the MVCC employees and motivated of the
 Government Aggravated Wrongful Detention—
 Malice sufficient to Support Award of punitive
 Damages, see 22 PoF2d 445; See also Sullivan v.
 Little Hunting Park, Inc, 396 U.S. 229, 90 S.Ct. 480,
 24 L.Ed. 2d 386 (1969); Jones v. Alfred, 396 U.S. 409,
 88 S.Ct. 2186; 20 L.Ed. 2d 1129. See John Chap. 9:19
 'And they asked them: 'Is this your Son who you say was
 born blind.' 'I will write my Book Title' Born
 Rendered Penitentiary'. see Genesis 9:18; Land of Canaan.

Submitted for docketing on Appeal to the U.S.
 Court of Appeals For 3d Cir. under 28 U.S.C. §1746.

Dated 4/26/07

Respectfully Submitted
 Gbeke M. Awala
 # 82014-054
 U.S. Penitentiary Canaan
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